

ANDREW C. GREEN, ESQ.  
Nevada Bar No. 9399  
RIKKI J. HEVRIN, ESQ.  
Nevada Bar No. 13738  
KOELLER NEBEKER CARLSON  
& HALUCK, LLP  
400 S. 4<sup>th</sup> Street, Suite 600  
Las Vegas, NV 89101  
Phone: (702) 853-5500  
Fax: (702) 853-5599  
[Andrew.green@knchlaw.com](mailto:Andrew.green@knchlaw.com)  
[Rikki.hevrin@knchlaw.com](mailto:Rikki.hevrin@knchlaw.com)  
Attorneys for Defendant,  
OHIO SECURITY INSURANCE COMPANY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRETT PRIMACK, individually,	)	<b>CASE NO.: 2:18-cv-00561-APG-NJK</b>
	)	
Plaintiff,	)	<b>JOINT PRETRIAL ORDER</b>
	)	
vs.	)	
	)	
OHIO SECURITY INSURANCE COMPANY,	)	
a foreign corporation; LIBERTY MUTUAL	)	
INSURANCE COMPANY; and DOES I-X,	)	
inclusive, and ROE CORPORATIONS I-X,	)	
inclusive,	)	
	)	
Defendants.	)	

Following pretrial proceedings in this case, and pursuant to the party submission of a proposed joint pre-trial order pursuant to DCR LR 16-4,

IT IS SO ORDERED.

**I.**

**This is an action for:** alleged Breach of Contract whereby Plaintiff alleges entitlement to receipt from Defendant of uninsured motorist insurance benefits. Defendant disputes Plaintiff's allegations against it.

**II.**

**Statement of jurisdiction:** this Court has jurisdiction over this matter pursuant to 28 U.S.C. §1441(a), because jurisdiction is created by diversity of citizenship pursuant to 28 U.S.C. §1332(a)(1). There is complete diversity between the parties; Plaintiff is a citizen of

1 Nevada, and Defendant is a citizen of New Hampshire and Massachusetts. The minimum  
2 necessary amount in controversy for diversity jurisdiction is satisfied because Plaintiff alleges  
3 damages in excess of \$75,000.

4 **III.**

5 **The following facts are admitted by the parties and require no proof:** Defendant  
6 issued to Plaintiff an insurance policy with a policy number of BAS55530738, for the period  
7 of May 22, 2014 to May 22, 2015. Defendant paid \$5,000 of medical payments. Plaintiff  
8 received \$15,000 of liability insurance benefits from the insurer for the other driver, Natalie  
9 Heath.

10 The parties reserve the right to supplement this section as needed.

11 **IV.**

12 **The following facts, though not admitted, will not be contested at trial by evidence**  
13 **to the contrary:** none at this time.

14 The parties reserve the right to supplement this section as needed.

15 **V.**

16 **The following are the issues of fact to be tried and determined upon trial. (Each**  
17 **issue of fact must be stated separately and in specific time).**

18 Plaintiff:

- 19 A. Whether Defendant breached its contract with Plaintiff in apparently denying his  
20 uninsured/underinsured motorist claims;
- 21 B. Whether Defendant had a reasonable basis for its apparent denial of Plaintiff's  
22 uninsured/underinsured motorist claims;
- 23 C. Whether Plaintiff's injuries alleged were proximately caused by the underlying  
24 collision.
- 25 D. Whether the medical treatment Plaintiff alleges was reasonable and necessary  
26 for the injuries he is claiming related to the subject collision.
- 27 E. The applicability of Defendant's affirmative defenses; and
- 28 F. The amount of damages to be awarded.

1 Defendant: liability, duty, fault, injury, proximate causation, damages, entitlement and  
2 breach.

3 **VI.**

4 **The following are the issues of law to be tried and determined upon trial.**

5 Plaintiff: whether Defendant breached its contract with Plaintiff.

6 Defendant: liability, duty, fault, injury, proximate causation, damages, entitlement and  
7 breach.

8 **VII.**

9 **(a) The following exhibits are stipulated into evidence in this case and may be so**  
10 **marked by the clerk:**

11 Ohio Security Insurance Company policy Bates LMIC000001-85.

12 The parties reserve the right to supplement this section as needed.

13 **(b) As to the following additional exhibits the parties have reached the**  
14 **stipulations stated:**

15 (1) Plaintiff and Defendant stipulate that each side may utilize each other's  
16 exhibits to the extent previously disclosed, and with preservation of arguments regarding  
17 admissibility.

18 (2) That custodian of records testimony will not be required for the true and  
19 correct authenticity of records.

20 (3) Upon need to present trial exhibit lists, absent unforeseen obstacles, the  
21 parties will present a joint exhibit list that eliminates redundant copies of medical records, and  
22 will prepare a joint library of such exhibits which bear the date stamp numbers given to the  
23 documents when they were disclosed in litigation.

24 (4) The parties reserve their rights to stipulate further.

25 **(c) The Parties' proposed respective exhibit lists follow below, along with any**  
26 **objections to their admission upon the grounds stated:**

27 ///

28 ///

(1) Defendant's potential proposed exhibits and Plaintiff's objections thereto  
(stated in bold text):

1. See, Liberty Mutual Insurance Company Documents, Bates Range LMGIC000086-000982.

2. See, Liberty Mutual Insurance Company Documents, Bates Range OSIC000983-002245.

3. See, medical and billing records received from Advanced Pain Consultants, Bates Range OSIC002246-002384.

7/6/2018, Affidavit of Custodian of Records, Advanced Pain Consultants, OSIC2246

7/6/2018, Advanced Pain Consultants Invoice for Records, OSIC2247

7/2/2018, Subpoena Documents, Advanced Pain Consultants, OSIC2248-OSIC2257

9/22/2009-07/06/2018, Advanced Pain Consultants, Invoice, OSIC2258

12/7/2014-12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical Records, OSIC2259- OSIC2275

4/9/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records, OSIC2276-OSIC2277

10/17/2014-2/27/2015, Michael Prater, MD, Advanced Pain Consultants Patient Notes, OSIC2278-OSIC2280

4/4/2013-12/13/2013, Rx Search Request Report, OSIC2281-OSIC2282:

**Objection- Unrelated to Plaintiff's UIM claim related to the 10/9/2014 collision, and do not relate to any medical conditions claimed by Plaintiff.**

4/20/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records, OSIC2283

12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical Records, OSIC2288-OSIC2290

1 4/20/2015, Michael Prater, MD, Advanced Pain Consultants Medical  
2 Records, OSIC2291  
3 12/14/2015, Letter Correspondence from Plaintiff's Counsel with Medical  
4 Release Authorization, OSIC2338-OSIC2340: **Objection- OSIC2338-**  
5 **OSIC2340- Lacks foundation as to any evidentiary value regarding**  
6 **Plaintiff's breach of contract claim.**  
7 9/14/2015, Anthem Chiropractic Fax Cover Sheets, OSIC2341-OSIC2345  
8 7/23/2015, Michael Prater, MD, Advanced Pain Consultants Fax  
9 Correspondence, OSIC2346-OSIC2347  
10 5/4/2015, Michael Prater, MD, Advanced Pain Consultants Fax  
11 Correspondence, OSIC2348-OSIC2349  
12 4/25/2015, Michael Prater, MD, Advanced Pain Consultants Fax  
13 Correspondence, OSIC2350  
14 4/9/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records,  
15 OSIC2353-OSIC2354  
16 12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical  
17 Records, OSIC2356-OSIC2357  
18 1/23/2015, Michael Prater, MD, Advanced Pain Consultants Medical  
19 Records, OSIC2358-OSIC2359  
20 1/7/2014, Michael Prater, MD, Advanced Pain Consultants Medical Records,  
21 OSIC2360  
22 12/15/2014, Patient Referral, OSIC2363-OSIC2364  
23 11/21/2014, Advanced Pain Consultants, OSIC2365-OSIC2366  
24 10/14/2014- 10/15/2014, Advanced Pain Consultants, OSIC2367-OSIC2371  
25 4/15/2015, Advanced Pain Consultants, OSIC2372-OSIC2374  
26 3/17/2015, Advanced Pain Consultants, OSIC2375-OSIC2376  
27 2/27/2015, Advanced Pain Consultants, OSIC2377-OSIC2378  
28 2/18/2015, Advanced Pain Consultants, OSIC2379-OSIC2380

- 1 11/21/2014, Advanced Pain Consultants, OSIC2381-OSIC2382
- 2 10/15/2014, Advanced Pain Consultants, OSIC2383-OSIC2384
- 3 4. *See*, medical and billing records received from Anthem Chiropractic, Bates
- 4 Range OSIC002385-002602.
- 5 7/12/2018, Affidavit of Custodian of Records, Anthem Chiropractic,
- 6 OSIC2385-OSIC2386
- 7 10/10/2014-12/8/2015, Anthem Chiropractic Charges, OSIC2387-OSIC2390
- 8 10/9/2014-10/10/2014, Derek Day, DC, Anthem Chiropractic Medical
- 9 Records, OSIC2391-OSIC2412
- 10 10/14/2014-1/6/2015, Derek Day, DC, Anthem Chiropractic, OSIC2413-
- 11 OSIC2446
- 12 1/28/2015, Derek T. Day, DC, Anthem Chiropractic Medical Records,
- 13 OSIC2447-OSIC2454
- 14 3/3/2015-7/24/2015, Derek T. Day, DC, Anthem Chiropractic Medical
- 15 Records, OSIC2455-OSIC2460
- 16 9/16/2015-12/8/2015, Derek T. Day, DC, Anthem Chiropractic Medical
- 17 Records, OSIC2461-OSIC2463
- 18 Photographs, OSIC2464-OSIC2468
- 19 7/2/2018, Subpoena Documents and Invoice for Medical Records, OSIC2591-
- 20 OSIC2602
- 21 5. *See*, medical and billing records received from Coronado Surgery Center,
- 22 Bates Range OSIC002603-002659.
- 23 07/10/2018, Certificate of Custodian of Records, Coronado Surgery Center,
- 24 OSIC2603
- 25 7/2/2018, Coronado Surgery Center Subpoena, OSIC2604-OSIC2613
- 26 07/12/2018, Coronado Surgery Center Account Statement, OSIC2614
- 27 5/10/2016, Coronado Surgery Center Medical Records, OSIC2615-OSIC2659
- 28

- 1           6.       *See*, medical and billing records received from Interventional Pain & Spine  
2                   Center, Bates Range OSIC002660-002741.  
3                   7/20/2016-6/26/2018, Interventional Pain and Spine Institute Invoice,  
4                   OSIC2662-OSIC2663  
5                   4/12/2016-8/26/2018, Interventional Pain and Spin Institute Medical Records,  
6                   Jorg Rosler, MD, OSIC2664-OSIC2673, OSIC2688-OSIC2699, OSIC2702-  
7                   OSIC2741  
8           7.       *See*, medical and billing records received from Center for Wellness & Pain  
9                   Care, Bates Range OSIC002742-002772.  
10                  7/5/2018, Center for Wellness & Pain Care of Las Vegas, Affidavit of  
11                  Custodian of Records, OSIC2742-OSIC2743  
12                  7/18/2018, Center for Wellness & Pain Care of Las Vegas, OSIC2744  
13                  4/25/2016-5/10/2016, Center for Wellness & Pain Care of Las Vegas Invoice,  
14                  OSIC2745  
15                  4/25/2016-5/10/2016, Center for Wellness & Pain Care of Las Vegas Medical  
16                  Records, Neville Campbell, MD, OSIC2746-OSIC2772  
17           8.       *See*, medical and billing records received from Surgical Arts Center, Bates  
18                   Range OSIC002773-002854.  
19                   5/6/2018, Surgical Arts Center, OSIC2773  
20                   7/2/2018, Subpoena Documents, OSIC2774-OSIC2781  
21                   6/22/2017-6/18/2018, Surgical Arts Center Summary, Andrew M. Hall, MD,  
22                   OSIC2782-OSIC2783  
23                   6/18/2018, Surgical Arts Center Medical Records, Andrew M. Hall, MD,  
24                   OSIC2784-OSIC2799, OSIC2802-OSIC2814  
25                   5/10/2018, Interventional Pain & Spine Institute, David Webb, MD,  
26                   OSIC2800-OSIC2801  
27                   6/22/2017, Surgical Arts Center Medical Records, Andrew Hall, MD,  
28                   OSIC2815-OSIC2832

- 1                   10/6/2016, Surgical Arts Center Medical Records, Jorg Rosler, MD,  
2                   OSIC2833-OSIC2854: **Objection- OSIC 3112-3113- Lacks foundation as**  
3                   **to any evidentiary value regarding Plaintiff's breach of contract claim.**  
4               9.       *See*, medical and billing records received from Comprehensive Injury  
5                   Institute, Bates Range OSIC002855-003323.  
6                   7/9/2018, Comprehensive Injury Institute, Affidavit of Custodian of Records,  
7                   OSIC2855-OSIC2856  
8                   8/19/2015-01/18/2017, Comprehensive Injury Institute Medical Records,  
9                   Jeffrey Gross, MD, OSIC2858-OSIC2970  
10                  12/8/2014-4/20/2015, Advanced Pain Consultants, OSIC2971-OSIC2976  
11                  8/19/2015-1/18/2016, Comprehensive Injury Institute, Jeffrey Gross, MD,  
12                  OSIC3146-OSIC3188  
13                  2/1/2016, Letter correspondence from Plaintiff's counsel, OSIC3304-  
14                  OSIC3306: **Objection- OSIC3304-OSIC3306- Lacks foundation as to any**  
15                  **evidentiary value regarding Plaintiff's breach of contract claim.**  
16                  12/27/2016, Letter correspondence from Plaintiff's counsel, OSIC3307:  
17                  **Objection- OSIC3307- Lacks foundation as to any evidentiary value**  
18                  **regarding Plaintiff's breach of contract claim.**  
19                  8/19/2015, Comprehensive Injury Institute, OSIC3308-OSIC3312  
20       10.       *See*, medical and billing records received from Desert Institute of Spine Care,  
21                  Bates Range OSIC003324-003422.  
22                  7/25/2018, Desert Institute of Spine Care, Affidavit of Custodian of Records,  
23                  OSIC3324  
24                  7/25/2018, Desert Institute of Spine Care Pre-Payment Invoice, OSIC3325  
25                  12/11/2014-2/19/2016, Desert Institute of Spine Care Invoice, OSIC3326  
26                  12/11/2014-7/23/2015, Desert Institute of Spine Care Medical Records,  
27                  Andrew Cash, MD, OSIC3327-OSIC3334  
28

11. See, medical and billing records received from Family Doctors of Green Valley, Bates Range OSIC003423-003560.  
7/5/2018, Family Doctors of Green Valley Affidavit of Custodian of Records, OSIC3423  
7/2/2018, Subpoena Documents, OSIC3424-OSIC3432  
10/25/2014-4/15/2015, Family Doctors of Green Valley Invoice, OSIC3433  
10/25/2014-4/15/2015, Family Doctors of Green Valley Medical Records, Jennifer Relph, PA-C, OSIC3434-OSIC3453  
10/25/2014, Family Doctors of Green Valley, OSIC3461-OSIC3467  
10/25/2014, Family Doctors of Green Valley, Ravi Ramanathan, MD, OSIC3540-OSIC3541  
11/11/2014-3/10/2015, Family Doctors of Green Valley Invoice, OSIC3555-OSIC3560
12. See, medical and billing records received from Las Vegas Radiology, Bates Range OSIC003561-003808 (includes radiology disc, bated OSIC003808, as referenced on OSIC003586-003587).  
7/6/2018, Las Vegas Radiology Affidavit of Custodian of Records, OSIC3561  
7/10/2018, Las Vegas Radiology Billing Dept., OSIC3562-OSIC3563  
11/19/2014, Las Vegas Radiology, James Balodimas, MD, OSIC3564  
11/5/2014, Las Vegas Radiology, Nadeer Pirani, MD, OSIC3565-OSIC3569  
10/10/2014, Las Vegas Radiology, James Balodimas, MD, OSIC3570-OSIC3577  
7/2/2018, Subpoena Documents, OSIC3578-OSIC3585  
10/10/2014-11/19/2014, Las Vegas Radiology, x ray and MRI photographs on CD, OSIC3586-OSIC3807: **Objection- OSIC3892-3909. Not reasonably related to the October 9, 2014 collision, no basis alleging any pre-existing injuries related to the October 9, 2014 collision, Defendant's claims**

1                    **decisions not based upon these records, and Defendant's retained medical**  
 2                    **expert found no pre-existing treatment impacting his opinion.**

3                    13.    *See*, medical and billing records received from Matt Smith Physical Therapy,  
 4                    Bates Range OSIC003809-003909.

5                    7/25/2018, Matt Smith Physical Therapy Affidavit of Custodian of Records,  
 6                    OSIC3809

7                    7/2/2018, Subpoena Documents, OSIC3810-OSIC3821

8                    7/27/2018, ATI Physical Therapy Invoice for Medical Records, OSIC3822-  
 9                    OSIC3823

10                  9/9/2015-1/7/2016, ATI Physical Therapy Patient Ledger Report, OSIC3824-  
 11                  OSIC3828

12                  9/9/2015-1/7/2016, Matt Smith Physical Therapy (ATI) Medical Records,  
 13                  Wyatt Banks, PT, OSIC3829-OSIC3861

14                  11/5/2014, Las Vegas Radiology, Nadeer Pirani, MD, OSIC3866-OSIC3870

15                  9/2/2015, Matt Smith Physical Therapy, OSIC3871-OSIC3885

16                  8/21/2015, Comprehensive Injury Institute, Jeffrey Gross, MD, OSIC3886-  
 17                  OSIC3887

18                  9/2/2015, ATI Physical Therapy Referral Intake Form, OSIC3888-OSIC3889

19                  9/18/2015-1/7/2016, ATI Physical Therapy Communication Log, OSIC3890-  
 20                  OSIC3891

21                  7/21/2015-9/6/2015, ATI Physical Therapy Invoice, OSIC3892-OSIC3893:

22                  **Objection- unrelated to 10/9/2014 UIM claim as body parts involved are**  
 23                  **not part of this claim and there is no allegation by Plaintiff that they are**  
 24                  **part of this claim.**

25                  6/23/2015, Desert Valley Therapy, OSIC3894-OSIC3902: **Objection-**  
 26                  **unrelated to 10/9/2014 UIM claim as body parts involved are not part of**  
 27                  **this claim and there is no allegation by Plaintiff that they are part of this**  
 28                  **claim.**

- 1           14.    *See*, medical and billing records received from Tenaya Surgical Center, Bates  
2                   Range OSIC003910-003936.  
3                   7/25/2018, Tenaya Surgery Center Affidavit of Custodian of Records and  
4                   Request for Records, OSIC3910-OSIC3912  
5                   7/26/2018, Tenaya Surgical Center Invoice, OSIC3913-OSIC3914  
6                   4/9/2015, Tenaya Surgical Center Medical Records, Michael Prater, MD,  
7                   OSIC3915-OSIC3936
- 8           15.    *See*, medical and billing records received from Valley Anesthesiology  
9                   Consultants, Bates Range OSIC003937-003949.  
10                  7/26/2018, DCP Holdings Affidavit of Custodian of Records, OSIC3937-  
11                  OSIC3938  
12                  5/10/2016, DCP Holdings, LLC Invoices, OSIC3939-OSIC3944  
13                  5/10/2016, Valley Anesthesiology Consultants/DCP Holdings Medical  
14                  Records, OSIC3945-OSIC3949
- 15           16.    *See*, additional medical records received from Family Doctors of Green  
16                   Valley, Bates Range OSIC003961-003966: **Objection- Not reasonably**  
17                   **related to the October 9, 2014 collision, no basis alleging any pre-existing**  
18                   **injuries related to the October 9, 2014 collision, Defendant's claims**  
19                   **decisions not based upon these records, and Defendant's retained medical**  
20                   **expert found no pre-existing treatment impacting his opinion.**
- 21           17.    *See*, medical and billing records received from Anthem Capital, LLC, Bates  
22                   Range OSIC003967-003993.
- 23           18.    *See*, medical and billing records received from Valley View Surgical, Bates  
24                   Range OSIC003994-004013.
- 25           19.    *See*, billing records received from Capital (Canyon) Medical Billing, Bates  
26                   Range OSIC004014-004030.  
27                   8/27/2018, Subpoena Documents, OSIC4014-OSIC4030  
28

1           20.    *See*, medical and billing records received from Orthopaedic Institute of  
 2                   Henderson, Bates Range OSIC0004031-004133: **Objection- Not reasonably**  
 3                   **related to the October 9, 2014 collision, no basis alleging any pre-existing**  
 4                   **injuries related to the October 9, 2014 collision, Defendant's claims**  
 5                   **decisions not based upon these records, and Defendant's retained medical**  
 6                   **expert found no pre-existing treatment impacting his opinion. Objection**  
 7                   **in that the records are not reasonably connected to the current claims**  
 8                   **and are clearly more prejudicial than probative.**

9                   8/30/2018, Orthopaedic Institute of Henderson Affidavit of Custodian of  
 10                  Records, OSIC4031-OSIC4032

11               8/29/2018, Request for Documents and Subpoena Documents, OSIC4033-  
 12               OSIC4041

13               1/2/2007-8/28/2018, Orthopaedic Institute of Henderson Patient Ledger,  
 14               OSIC4042-OSIC4045

15               1/2/2007-12/20/2007, Orthopaedic Institute of Henderson Medical Records,  
 16               Craig Clark, MD, OSIC4046-OSIC4111

17               6/8/2007, Desert Valley Therapy, Julie Devlin, PT, OSIC4112-OSIC4113

18               7/18/2007, Desert Valley Therapy, Julie Devlin, PT, OSIC4114

19               4/27/2007, Desert Valley Therapy, Julie Devlin, PT, OSIC4115

20               4/24/2007, Nevada Physicians Imaging, OSIC4116

21               1/15/2007, Desert Radiologists, Kevin Hyer, MD, OSIC4117-OSIC4118

22               1/19/2007-4/26/2007, Nevada Physician's Imaging, Richard Rhee, MD,  
 23               OSIC4119-OSIC4120

24               1/15/2007, Desert Radiologists, Morris Schaner, DO, OSIC4121-OSIC4122

25               1/16/2007, Desert Radiologists, Morris Schaner, DO, OSIC4123-OSIC4124

26               1/17/2007, Nevada Physicians Imaging, OSIC4125

27               1/9/2007, Nevada Physicians Imaging, OSIC4126

28               1/8/2007, Desert Radiologists, OSIC4127

- 1 4/4/2007, St. Rose Dominican Hospital-Siena Campus, Scott Chang, MD,
- 2 OSIC4128-OSIC4133
- 3 21. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range
- 4 OSIC0004134-004135.
- 5 22. *See*, medical and billing records received from Southwest Medical Associates,
- 6 Bates Range OSIC004308-004584: **Objection- Not reasonably related to**
- 7 **the October 9, 2014 collision, no basis alleging any pre-existing injuries**
- 8 **related to the October 9, 2014 collision, Defendant's claims decisions not**
- 9 **based upon these records, and Defendant's retained medical expert found**
- 10 **no pre-existing treatment impacting his opinion. Objection in that the**
- 11 **records are not reasonably connected to the current claims and are**
- 12 **clearly more prejudicial than probative.**
- 13 23. *See*, correspondence from Summit Medical Group, LLC, Bates Range
- 14 OSIC004596.
- 15 24. *See*, medical and billing records received from Desert Valley Therapy, LLC,
- 16 Bates Range OSIC004597-004696: **Objection- OSIC4679-4696- Unrelated**
- 17 **to the 10/9/2014 UIM claim as body parts involved are not part of this**
- 18 **claim and there is no allegation by Plaintiff that they are part of this**
- 19 **claim.**
- 20 07/21/2015-08/13/2015, Desert Valley Therapy, LLC records, Jeri Wise, PT,
- 21 OSIC004690-004691, OSIC004694-004695
- 22 09/09/2015-01/07/2016, Desert Valley Therapy, LLC records - ATI Physical
- 23 Therapy Patient Ledger Report, OSIC004611-004615
- 24 09/09/2015-12/17/2015, Desert Valley Therapy, LLC records, John Lyons, PT,
- 25 OSIC004619- OSIC004638, OSIC004641- OSIC004646
- 26 09/29/2015, Desert Valley Therapy, LLC records, Patrick Duffy, PTA and John
- 27 Lyons, PT, OSIC004639, OSIC004640
- 28

01/07/2016, Desert Valley Therapy, LLC records, Wyatt Banks, PT,  
OSIC004616-004618, OSIC004647-004648

25. *See*, medical and billing records received from St. Rose Dominican Hospital-Siena Campus, Bates Range OSIC004697-004851: **Objection- Not reasonably related to the October 9, 2014 collision, no basis alleging any pre-existing injuries related to the October 9, 2014 collision, Defendant's claims decisions not based upon these records, and Defendant's retained medical expert found no pre-existing treatment impacting his opinion.**

10/25/2003-10/26/2003, St. Rose Dominican Hospital- Siena Campus, Mark Ferdowsian, DO, OSIC4711-OSIC4734, OSIC4736-OSIC4737

10/26/2003-10/27/2003, St. Rose Dominican Hospital-Siena Campus, Hiran Shawn Wijesinghe, MD, OSIC4735, OSIC4738-OSIC4755

9/28/2006-9/29/2006, St. Rose Dominican Hospital-Siena Campus, Timothy Robertson, DO, OSIC4756-OSIC4794

4/04/2007-4/04/2007, St. Rose Dominican Hospital-Siena Campus, Craig Clark, MD, OSIC4795-OSIC4851

26. *See*, City of Henderson Traffic Accident Report, Bates Range OSIC004852-004861: **Objection- Unrelated to the 10/9/2014 UIM claim as body parts involved are not part of this claim and there is no allegation by Plaintiff that they are part of this claim. Also, the police report is not an admissible document.**

27. *See*, correspondence from AAA Life Insurance Company, Bates Range OSIC004862-004874: **Objection- Unrelated to the 10/9/2014 UIM claim as body parts involved are not part of this claim and there is no allegation by Plaintiff that they are part of this claim. Objection in that the records are not reasonably connected to the current claims and are clearly more prejudicial than probative.**

28. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range OSIC004880-004881.

29. *See*, insurer records, Bates Range OSIC004883-005077: **Objection- Unrelated to the 10/9/2014 UIM claim as body parts involved are not part of this claim and there is no allegation that they are part of this claim. Objection in that the records are not reasonably connected to the current claims and are clearly more prejudicial than probative. Objection that Defendant's claims decisions not based upon these records. Objection in that the files make references and reveal protected information about parties who are not parties to the instant litigation.**

30. *See*, records from Life Time Fitness, Inc., Bates Range OSIC005078-005160: **Objection- The Life Time Fitness records make references and reveal protected information about parties who are not parties to the instant litigation. Objection, records are overbroad and reveal more than costs of membership and assessments of Plaintiff.**

31. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range OSIC005161-005163.

32. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range OSIC015517-015519.

**Plaintiff further objects to the foregoing exhibits to the extent that the medical records involve any reference to collateral source documents, such as private health insurance. Plaintiff also objects to the extent that information regarding medical liens may be admissible, pursuant to oral argument and/or motions in limine regarding the same.**

(2) Plaintiff's proposed Exhibits and Defendant's objections thereto:

**PLAINTIFF'S PROPOSED EXHIBITS**  
**Non-medical**

Ex. #	Description	Bates Numbers	Defendant Objections
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Ex. #	Description	Bates Numbers	Defendant Objections
1.	Liberty Mutual claim documents	LMIC000086-000982	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
2.	Ohio Claims file documents- Claim #23069451	OSIC00982-002245	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
3.	Ohio Commercial Insurance Claims/Auto & General Liability Quality and Control Standards	OSIC04136-04307	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
4.	Letter Requesting UIM Benefits to Liberty Mutual dated 5/5/2017	PLTF 00001-00465	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
5.	Correspondence between the parties from 10/10/14 – 4/27/18	PLTF 000466-00546	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
6.	Allstate Letter dated 10/27/2014 re policy limits	PLTF 000548-00609	Incorrect identification, lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
7.	Letter dated 6/21/18 to Kortney Peschl at Liberty Mutual	PLTF-01194	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
8.	Letter dated 7/6/18 from Koeller, Nebeker, Carlson & Haluck, LLP	PLTF-01195	Lack of foundation, hearsay, relevance, cumulative, unfair prejudice.
9.	Letter dated 7/18/18 to Koeller, Nebeker, Carlson & Haluck, LLP	PLTF-01196	Lack of foundation, hearsay, relevance, cumulative, unfair prejudice.
10.	Defendant Liberty Mutual Insurance Company's responses to Plaintiff's First Request for Production dated 7/2/18	PLTF-01197-01224	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
11.	Defendant Liberty Mutual Insurance	PLTF-01225-01242	Lack of foundation,

Ex. #	Description	Bates Numbers	Defendant Objections
	Company's responses to Plaintiff's First Set of Interrogatories dated 7/2/18		hearsay, relevance, improper opinions, cumulative, unfair prejudice.
12.	Defendant Ohio Security's Responses to Plaintiff's First Set of Interrogatories dated 9/14/18		Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
13.	Defendant Ohio Security's Responses to Plaintiff's First Set of Requests for Production dated 9/14/18		Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
14.	Defendant Ohio Security's First Supplemental Responses to Plaintiff's First Set of Requests for Production dated 10/1/18		Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
15.	Defendant Ohio Security's Second Supplemental Responses to Plaintiff's First Set of Requests for Production dated 2/13/19		Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
16.	Vehicle Property Damage Estimates and Photographs	PLTF-01275-001306	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
17.	Subpoena Production from the State of Nevada, Division of Insurance Regarding Ohio Security	PLTF-01307-001587	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
18.	Subpoena Production from the State of Nevada, Division of Insurance Regarding Liberty Mutual	PLTF-01588-002116	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
19.	Defendants Supplemental responses to Plaintiff's Request for Production	PLTF-02222-02247	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
20.	Correspondence between the Parties March 2018 to November 2018	PLTF-02117-02209	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
21.	Defendants Supplemental responses to Plaintiff's Request for Production	PLTF-02222-02247	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair

Ex. #	Description	Bates Numbers	Defendant Objections
			prejudice.
22.	Curriculum Vitae and Fee schedule of Andrew Hall, M.D.	PLTF-01271-001274	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
23.	Scott A. Glogovac, Esq. Report dated 8/2/18		Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
24.	Scott A. Glogovac, Esq. Supplemental Report dated 1/8/19	PLTF-02314-02327	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.

### Medical

Exhibit	Business Name	Physician	Dates of Service	Bates Numbers	Defendant Objections
25.	Records from Anthem Chiropractic	Derek Day	10/10/14-07/24/15	PLTF-000610-00722	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
26.	Records and bill from Advanced Pain Consultants	Michael Prater	12/8/14-4/20/15	PLTF000723-00739	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
27.	Rec and bills from Center for Wellness and Pain Care of Las Vegas	Neville Campbell	4/25/16-05/11/16	PLTF-00740-00768	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
28.	Records from Comprehensive Injury Institute/Dr. Jeffrey Gross;	Jeffrey Gross	08/19/15-10/26/16	PLTF-00769-00858	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
29.	Records/billing from Coronado Surgery Center	Neville Campbell	05/10/16	PLTF-00859-00861	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudicen.
30.	Records/billing from Desert Institute of Spine Care	Andrew Cash	12/11/14-07/23/15	PLTF-00862-00952	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.

<b>Exhibit</b>	<b>Business Name</b>	<b>Physician</b>	<b>Dates of Service</b>	<b>Bates Numbers</b>	<b>Defendant Objections</b>
31.	Records/Billing from Family Doctors of Green Valley	Ravi Ramanathan	10/25/14-04/15/15	PLTF-00953-00977	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
32.	Records/Billing from Interventional Pain and Spine	Jorg Rosler	07/20/16-04/19/17	PLTF-00978-00997	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
33.	Records/Billing from Las Vegas Radiology	Nadeer Pirani	10/09/14-11/05/14	PLTF-00998-01019	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
34.	Records/Billing from Matt Smith Physical Therapy	John Lyons, PT	09/09/15-01/07/16	PLTF-01020-01073	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
35.	Record/ billing from Surgical Arts Center	Jorg Rosler	10/06/16	PLTF-01074-01076	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
36.	Record/ billing from Tenaya Surgical Center	Michael Prater Raimundo Leon	04/09/15	PLTF-01077-01080	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
37.	Billing from Valley Anesthesia Consultants	Neville Campbell	05/10/16	PLTF-01082; -01086-01088	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
38.	Jeffrey Gross, MD		Life Care Plan/Neurological Supplemental Report Report dated 1/18/17	PLTF-01089-01102	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
39.	Interventional Pain and Spine	Jorg Rosler	Cost Estimate for Procedures dtd 5/31/18	PLTF-01103	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of proper production.
40.	Updated Records and Billing from	Jorg Rosler	07/20/16-06/26/18	PLTF-01104-01118	Lack of foundation, hearsay, relevance, improper opinions,

Exhibit	Business Name	Physician	Dates of Service	Bates Numbers	Defendant Objections
	Interventional Pain & Spine				cumulative, unfair prejudice.
41.	Records from Surgical Arts Center	Andrew Hall	06/18/18	PLTF-01119-01193	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
42.	Updated Record and billing from Interventional Pain and Spine	Andrew Hall	Records: 07/31/18; 09/06/18 Bills: 7/20/16-7/31/18	PLTF-01267-001270	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.
43.	Neurosurgical Report and bill from Dr. Jeffrey Gross, M.D.	Jeffrey Gross	Neurosurgical follow-up Second Opinion Consult 11/26/18	PLTF-02210-02221	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
44.	Supplemental Neurosurgical Report by Jeffrey D. Gross MD	Jeffrey Gross	Neurosurgical Supplemental Report 12/01/18	PLTF-02248-02280	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
45.	Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D.	Jeffrey Gross	Neurosurgical Supplemental Report 12/02/18	PLTF-02281-02309	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
46.	Interventional Spine and Pain Institute	Faisel Zaman	Record: 12/12/18 Bills: 7/20/16-12/12/18	PLTF-002310-002313	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
47.	Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D.	Jeffrey Gross	Neurosurgical Supplemental Report 12/27/18	PLTF-002328-002331	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
48.	Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D.	Jeffrey Gross	Neurosurgical Supplemental Report	PLTF-002332-002337	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of

Exhibit	Business Name	Physician	Dates of Service	Bates Numbers	Defendant Objections
			01/07/19		timely and proper production.
49.	Interventional Pain & Spine Institute updated Records and Bills	Andrew Hall	Record: 1/14/19 Bills: 07/20/16-01/14/19	PLTF-002338-002340	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
50.	Surgical Arts Center Bill	Andrew Hall	01/14/19	PLTF-002341	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
51.	Interventional Pain & Spine Institute updated Records and Bills	Andrew Hall Stuart Baird Faisel Zaman Jorg Rosler	Records: 02/05/19-08/26/19 Bills: 07/20/16-08/26/19	PLTF-002342-002356	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
52.	Surgical Arts Center Updated Records and bills	Jorge Rosler	008/12/19	PLTF-002357-002380	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
53.	Surgical Arts Center Updated Records and Bills	Jorg Rosler	05/04/20	PLTF -002381-002388	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.
54.	Interventional Pain & Spine Institute updated Records and Bills	Jorge Rosler	07/20/16-05/18/20	PLTF-002389-002458	Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.

The parties reserve the right to supplement this section as needed.

**(d) Depositions:** Neither side anticipates using depositions in lieu of live testimony; however, they reserve the right to offer deposition testimony should witnesses become unavailable at the time of trial.

(1) Plaintiff may offer the following depositions if witnesses are unavailable:  
Andrew Cash, Michael Prater, Ravi Ramanathan, Derek Day, Jeffrey Gross, Gregory Starr,  
James Carraway, and Kortney Peschl.

*See*, Exhibit “1”.

Defendant objects to Plaintiff’s partial disclosure of their intent to present deposition testimony as it is given the afternoon and evening of the date of the deadline for this order and Defendant also objects pursuant to relevance and hearsay concerns.

(2) Defendant may offer the following depositions if witnesses are unavailable:  
Defendant presently does not anticipate presenting deposition testimony and reserves the right to seek to present deposition testimony in response to objection to Plaintiff’s proposed deposition testimony and related objections at the time of the due date of filing this order.

(e) Objections to Depositions:

(1) Defendant objects to Plaintiff’s depositions as follows: relevance and hearsay.

(2) Plaintiff objects to Defendant’s depositions as follows: relevance and hearsay.

**VIII.**

**The following witnesses may be called by the parties upon trial:**

(a) Names and addresses of Plaintiff’s witnesses.

- 1- Brett Primack  
c/o Law Offices of Eric R. Blank, P.C.  
7860 W. Sahara Avenue, Suite 110  
Las Vegas, NV 89117
- 2- Jonathan Senile  
Claims Spec I – PIP/Med  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600  
Las Vegas, NV 89101
- 3- Sue Ann Pachl  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600

Las Vegas, NV 89101

4- Austin Fentiman  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600  
Las Vegas, NV 89101

5- Kortney Peschl  
Senior Tech Claims Specialist II AIC SCLA  
Commercial Insurance Claims  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600

6- James Carraway, Esq.  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600  
Las Vegas, NV 89101

7- Gregory L. Starr  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600  
Las Vegas, NV 89101

8- Gregg Starr as FRCP 30(b)(6) for Ohio Security Insurance Company  
For the topics listed below  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600  
Las Vegas, NV 89101

1- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S  
INVESTIGATION AND EVALUATION OF PLAINTIFF BRETT  
PRIMACK'S UNDERINSURED MOTORIST CLAIM

2- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S  
WRITTEN POLICIES AND PROCEDURES AND THE ACTUAL  
CUSTOMS AND PRACTICES REGARDING INTAKE, PROCESSING,  
HANDLING, INVESTIGATING, EVALUATING AND PROCESSING  
UNDERINSURED MOTORIST CLAIMS IN NEVADA SINCE 2013

3- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S  
TRAINING AND/OR RE-TRAINING OF CLAIMS  
REPRESENTATIVES REGARDING INTAKE, PROCESSING,  
HANDLING, INVESTIGATING, EVALUATING AND PROCESSING  
UNDERINSURED MOTORIST CLAIMS IN NEVADA FROM  
OCTOBER 2009 UNTIL THE PRESENT

9- Peggy Yuile  
Unit Manager

- 1 c/o Koeller Nebeker Carlson and Haluck LLP  
2 400 South 4th Street, Suite 600  
3 Las Vegas, NV 89101
- 4 10- Scott A. Glogovac, Esq.  
5 3975 San Donato Loop  
6 Reno, Nevada 89519
- 7 11- Dr. Michael A. Prater, M.D  
8 c/o Advanced Pain Consultants  
9 2650 Crimson Canyon Drive  
10 Las Vegas, Nevada 89128
- 11 12- Dr. Neville Campbell, M.D./MBA  
12 Center for Wellness and Pain Care of Las Vegas  
13 311 North Buffalo Drive, Ste. A  
14 Las Vegas, Nevada 89145
- 15 13- Dr. Jeffrey D. Gross, M.D.  
16 c/o Comprehensive Injury Institute  
17 2779 W. Horizon Ridge Pkwy, #200  
18 Henderson, NV 89052
- 19 14- Dr. Andrew M. Cash, M.D.  
20 c/o Desert Institute of Spine Care  
21 9339 W. Sunset Road, #100  
22 Las Vegas, Nevada 89148
- 23 15- Wyatt Banks, PT 0652  
24 John Lyons, PT 1827  
25 c/o Matt Smith Physical Therapy  
26 500 S. Rancho, Suite 2  
27 Las Vegas, Nevada 89106
- 28 16- Dr. Derek T. Day, D.C.  
c/o Anthem Chiropractic  
10170 S. Eastern Avenue, Suite 110  
Henderson, NV 89052-3639
- 17- Person Most Knowledgeable(PMK)/Custodian of Records (COR) for  
Coronado Surgery Center  
2779 W Horizon Ridge Parkway, Suite 140  
Henderson, NV 89052
- 18- Ravi Ramanathan, M.D.  
c/o Family Doctors of Green Valley  
1909 Green Valley Pkwy, 440-355  
Henderson, Nevada 89074

- 19- Jorg Rosler, M.D.  
David Webb, M.D.  
Andrew Hall, M.D.  
Faisel Zaman, M.D.  
c/o Interventional Pain and Spine Institute  
851 South Rampart, Suite 100  
Las Vegas, NV 89145
- 20- Person Most Knowledgeable (PMK) and or Custodian of Records (COR) for  
Tenaya Surgery Center  
2800 N. Tenaya Way, Suite 101  
Las Vegas NV 89128
- 21- Person Most Knowledgeable (PMK) and or Custodian of Records (COR)  
Surgical Arts Center  
9499 W. Charleston Blvd. Ste. 250  
Las Vegas, NV 89117
- 22- Nadeer Pirani, MD  
Person Most Knowledgeable (PMK) and or Custodian of Records (COR)  
Las Vegas Radiology  
PO Box 401180  
Las Vegas, NV 89140
- 23- Person Most Knowledgeable (PMK) and or Custodian of Records (COR)  
Valley Anesthesia Consultants  
PO Box 400310  
Las Vegas, NV 89140
- 24- CUSTODIAN OF RECORDS. Testimony is anticipated from any and all  
custodian of records which are necessary to authenticate documents which  
cannot be stipulated to regarding admissibility by the parties herein.
- 25- BILLING CLERKS. Testimony is anticipated from any and all billing clerk  
and/or persons most knowledgeable from the offices of the health care  
providers listed above may testify regarding the amounts of the medical bills  
for medical treatment which Plaintiffs have received as a result of the subject  
incident and regarding the reasonable and customary amounts for the medical  
bills.
- 26- Any and all witnesses designated by any other Party to this litigation.
- 27- Any and all witnesses necessary for impeachment and rebuttal purposes.

(b) Names and addresses of Defendant's potential witnesses.

1. Plaintiff, Brett Primack

c/o Eric R. Blank, Esq.  
LAW OFFICES OF ERIC R. BLANK, P.C.  
7860 W. Sahara Avenue, Suite 110  
Las Vegas, NV 89117  
(702) 222-2115

2. Person(s) Most Knowledgeable for Defendants,  
OHIO SECURITY INSURANCE COMPANY  
c/o Andrew C. Green, Esq.  
KOELLER, NEBEKER, CARLSON & HALUCK  
400 S. 4th Street, Suite 600  
Las Vegas, Nevada 89101
3. Greg Starr and/or the Person(s) Most Knowledgeable for Defendants,  
LIBERTY MUTUAL INSURANCE COMPANY  
c/o Andrew C. Green, Esq.  
Koeller, Nebeker, Carlson & Haluck, LLP  
400 S. 4th St., Suite 600  
Las Vegas, NV 89101
4. Derek T. Day, D.C. and/or the Person Most Knowledgeable for  
ANTHEM CHIROPRACTIC  
10170 S. Eastern Avenue, Suite 110  
Henderson, Nevada 89052  
(702) 614-6777
5. Ravi Ramanathan, M.D. and/or the Person(s) Most Knowledgeable for  
FAMILY DOCTORS OF GREEN VALLEY  
291 N. Pecos Road  
Henderson, Nevada 89074  
(702) 616-9471
6. Nadeer Pirani, M.D. and/or the Person Most Knowledgeable for  
LAS VEGAS RADIOLOGY  
P.O. Box 401180  
Las Vegas, NV 89140  
(702) 254-5004
7. Michael Prater, M.D. and/or the Person Most Knowledgeable for  
ADVANCED PAIN CONSULTANTS  
2650 Crimson Canyon Drive  
Las Vegas, Nevada 89128  
(702) 731-2642
8. Andrew Cash, M.D. and/or the Person(s) Most Knowledgeable for  
DESERT INSTITUTE OF SPINE CARE  
9339 W. Sunset Road, #100  
Las Vegas, NV 89148  
(702) 630-3472
9. The Person Most Knowledgeable for  
TENAYA SURGICAL CENTER  
2800 N. Tenaya Way, Ste. 101  
Las Vegas, Nevada 89128  
(702) 838-7755

10. Jeffrey Gross, M.D. and/or the Person(s) Most Knowledgeable for  
COMPREHENSIVE INJURY CENTER  
2779 W. Horizon Ridge Pkwy., #200  
Henderson, NV 89052  
(888) 848-2022
11. Wyatt Banks, P.T., John Lyons, P.T. and/or the Person(s) Most Knowledgeable  
for MATT SMITH PHYSICAL THERAPY  
500 S. Rancho, Suite 2  
Las Vegas, NV 89106  
(702) 794-0300
12. David Webb, M.D., Jorg Rosler, M.D. and/or the Person(s) Most  
Knowledgeable for INTERVENTIONAL PAIN AND SPINE INSTITUTE  
851 S. Rampart Blvd., Suite 100  
Las Vegas, NV 89145  
(702) 357-8004
13. Neville Campbell, M.D. and/or the Person(s) Most Knowledgeable for  
CENTER FOR WELLNESS & PAIN CARE OF LAS VEGAS  
311 N. Buffalo Drive, Ste. A  
Las Vegas, Nevada 89415  
(702) 476-9700
14. The Person Most Knowledgeable for  
SURGICAL ARTS CENTER  
9499 W. Charleston Blvd., Ste. 250  
Las Vegas, Nevada 89117  
(702) 833-3600
15. The Person(s) Most Knowledgeable for  
VALLEY ANESTHESIOLOGY CONSULTANTS  
10120 S. Eastern Ave., Suite 130  
Henderson, Nevada 89052  
(702) 487-5823
16. The Person Most Knowledgeable for  
CORONADO SURGERY CENTER  
2779 W. Horizon Ridge Pkwy., Suite 140  
Henderson, NV 89012  
(702) 589-9250
17. The Person Most Knowledgeable for  
ANTHEM CAPITAL FUNDING  
7000 Smoke Ranch Road, Suite B  
Las Vegas, Nevada 89128  
(702) 982-0053
18. The Person Most Knowledgeable for  
CANYON MEDICAL BILLING  
6325 S. Jones Blvd.  
Las Vegas, Nevada 89118  
(702) 489-4526
19. The Person Most Knowledgeable for

1 VALLEY VIEW SURGICAL  
1522 W. Warm Springs Road  
2 Henderson, Nevada 89014  
(702) 471-6777

3  
4 20. The Person Most Knowledgeable for  
ORTHOPAEDIC INSTITUTE OF HENDERSON  
10560 Jeffreys St., Suite 230  
5 Henderson, NV 89052  
(702) 565-6565

6  
7 21. Reynold Rimoldi, M.D.  
c/o Andrew C. Green, Esq.  
8 Koeller, Nebeker, Carlson & Haluck, LLP  
400 S. 4th St., Suite 600  
9 Las Vegas, NV 89101  
(702) 853-5500

10 22. Julie Devlin and/or the Person Most Knowledgeable for  
DESERT VALLEY THERAPY  
11 1701 N. Green Valley Pkwy., Bldg. 8  
Henderson, NV 89074  
12 (702) 998-3333

13 23. Patrick Maffio

14 24. Jeremy D. Kambel

15 25. Shayna Lee

16 26. The Person Most Knowledgeable for TRAVELERS  
One Tower Square  
17 Hartford, CT 06183  
(860) 277-2623

18  
19 27. Officer Robert Hunt  
Badge No. 1361  
c/o Henderson Police Department

20  
21 28. Officer Costolo  
Badge No. 911  
c/o Henderson Police Department

22  
23 29. Natalie Heath  
800 Capri Drive  
24 Boulder City, NV 89005

25 and any witnesses previously identified by either party.

26 **IX.**

27 Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:  
28

**X.**

DATED this 20<sup>th</sup> day of January 2021.

LAW OFFICES OF ERIC R. BLANK, P.C.      KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP

By: /s/Andrew C. Green, Esq.  
 ANDREW C. GREEN, ESQ.  
 Nevada Bar No. 9399  
 400 S. 4<sup>th</sup> Street, Suite 600  
 Las Vegas, NV 89101  
 Attorneys for Defendant,  
 OHIO SECURITY INSURANCE  
 COMPANY

**XI.**

**ACTION BY THE COURT**

This case is set for bench trial on the stacked calendar on May 17, 2021 at 9:00 a.m. Calendar call will be held on May 11, 2021 at 8:45 a.m. in LV Courtroom 6C.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

DATED: January 22, 2021



UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP

By: /s/Andrew C. Green, Esq.

ANDREW C. GREEN, ESQ.  
Nevada Bar No. 9399  
400 S. 4<sup>th</sup> Street, Suite 600  
Las Vegas, NV 89101  
Attorneys for Defendant,  
OHIO SECURITY INSURANCE COMPANY

***NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials before this Court, civil trials may possibly be held in a trailing status for months or be assigned to another District Court Judge for trial. Therefore, the Court strongly urges the parties to consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in accordance with 28 USC Section 636 and FRCP 73.***

***The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts website.***

# EXHIBIT “1”

## Deposition Transcript Excerpt List



400 S. 4th Street, Suite 600  
Las Vegas, NV 89101

GREGORY STARR

p. 15: 22-25- 16: 1-3- Position with Liberty Mutual

p. 17:6 – 27:19, 33:4-10- FRCP 30(b)(6)

27:20 - 33:3- NV UIM, HIU Unit, Complex Claims, Claims value

33:12- 36:23- Claim value

38:1- 39:8- Claim value

39:9- 41:2- Duty

41:18- 43:6- Duty/Valuation

43:14- 47:9- Rimoldi/Valuation

47:15- 49:6- Valuation

66:4- 68:20- Rimoldi

71:22- 74:15- Claims

77:13- 83:14- Value of Claim

90:8- 94:7- Adjusting claim

95:17- 99:11- Breach of contract

101:13- 111:10- Value of Claim

121:19- 125:16- Payments on claims

131:6- 133:12- Rimoldi

136:16- 137:9- Rimoldi

137:22- 158:20 - Claim Evaluation

159:23- 176:15- Claim Handling

177:7- 180:19- Limits

183:8- 187:2- Claim Handling

187:14- 200:15- Claim Handling

224:13- 225:18- Claim Evaluation

226:18- 228:7- Prior injury

229:8-12- Investigation- Settling Claim

230:3- 231:15- Investigating

232:16- 243:18- G4S Consulting

244:4- 246:17- Ongoing investigation

255:19- 257:4- Claims handling

257:10- 258:15- Claims evaluation

JAMES CARRAWAY-

12:4- 13:24- Background with Liberty Mutual

17:15-20- Last worked for Liberty Mutual

21:11- 24:13- Role with Liberty Mutual/Ohio Security

24:14-19, 28:14- 30:7- Valuation of claim

30:10- 31:15- Status of Primack claim while Carraway involved

42:8-23- Offers and mediation in prior UIM cases

43:1- 46:17- Payment of funds in UIM claims

46:19- 49:18- UIM Claims and Investigation

49:19- 59:20- Carraway Medical Investigation- Primack Claim

60:5- 66:22- Communications while at Liberty Mutual/Looking up claims/E-mails lost

70:2- 77:6- Accessing claims and files in computer system

77:7- 80:12- Review of Primack letter requesting benefits

82:5- 90:17- Communication on claim

90:18- 101:2- Ongoing communication and file management in Primack claim

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